

REMARKS

In the Office Action mailed August 10, 2004 (the "Office Action"), the Examiner withdrew the Restriction Requirement dated March 3, 2004, and set forth a new Election of Species Requirement that identified what the Examiner characterized as four patentably distinct species of the claimed invention. In particular, the Examiner suggested in the Office Action that the present application contains claims directed to four patentably distinct species of the claimed invention, namely:

Species A1: An optoelectronic package with first, second, and third apertures in the base with first, second, and third traces;

Species A2: An optoelectronic package without first, second, and third apertures in the base with first, second, and third traces;

Species A3: An optoelectronic package with a plurality of transistor outline packages; and

Species A4: An optoelectronic package with a light source housed in a transmitter outline package and a detector housed in a receiver transistor outline package that is interconnected to a receiver circuit.

The Examiner additionally stated in the Office Action that in the event Applicant selects species A1 or A2, Applicant must further elect from species of type of ground:

Species B1: A ground ring that is an integral part of the base;

Species B2: A ground ring that is a metal ring that is separate from the base; and

Species B3: A ground slug on the base.

In response to the Election of Species Requirement set forth in the Office Action, Applicant hereby elects Species A3 (directed to an optoelectronic package with a plurality of transistor outline packages) for examination, without traverse. Claims 29-36 are readable on the elected Species A3.

Applicant's election herein is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

As to the Examiner's requirement that Applicant must, if species A1 or A2 are elected, further elect a species of ground B1, B2 or B3, Applicant respectfully disagrees. For example, as presently understood by Applicant, species A1 corresponds to independent claim 18 which recites, among other things, "a transistor outline package having a base, first and second high frequency signal leads that traverses first and second apertures in the base, and a power signal lead that traverses a third aperture in the base," and "first, second and third data signal traces." However, claim 18 does not specify any particular type of ground. Rather, the integral ground ring, separate ground ring, and ground lug arrangements represented, according to the Examiner, by species B1, B2 and B3, respectively, are claimed in corresponding dependent claims 26, 27 and 28, respectively. By definition however, independent claim 18 is generic to all of the aforementioned arrangements, since claims 27-28 depend from claim 18. Moreover, Applicant respectfully submits that it is not at all apparent that any serious burden would be imposed either by the search or examination of species A1 and A2 as those species have been defined by the Examiner in the Office Action. *See, e.g.*, MPEP § 803.

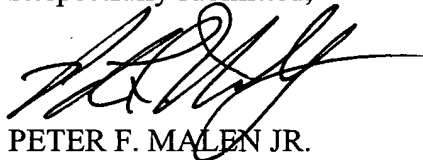
For at least the reasons outlined above, Applicant believes the requirement, stated in the Office Action, for Applicant to select a sub-species B1, B2 or B3 is erroneous and improper, and should accordingly be withdrawn.

As a final note, Applicant respectfully directs the attention of the Examiner to the fact that the Attorney Docket No. 9775-0048-999 listed on the Office Action has changed. The new docket number, which should be referred to in all future correspondence, is 15436.253.29.

In the event that the Examiner wishes to discuss any of the matters contemplated herein, the Examiner is courteously invited to initiate a telephone conversation with the undersigned.

DATED this 18th day of August, 2004.

Respectfully submitted,



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